

Applicant : Bhatia et al.
Serial No. : 10/750,293
Filed : December 31, 2003
Page : 3 of 3

Attorney's Docket No.: 15670-090US1 / SD2002-001-
1MI



REMARKS

Applicant requests entry of the present amendment. The present application was filed within 30 months of the earliest priority date of PCT Application Serial No. PCT/US02/21207 and while the PCT application was pending. Under 35 U.S.C. §363 an international application designating the U.S. shall have the effect from its international filing date of a national application for patent regularly filed in the U.S. Patent and Trademark Office. Furthermore, 35 U.S.C. §120 recognizes that an application as provided by section 363 shall be considered under §120.

Applicants' declaration filed December 31, 2003 makes specific reference to the priority claims and documents as provided in 37 CFR §1.78. Thus, Applicants believe that the priority claim is correct and was timely made on December 31, 2003. No new matter is believed to have been introduced.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

9/22/04

A handwritten signature in black ink, appearing to read "J. Baker, Jr.", written over a horizontal line.

Joseph R. Baker, Jr.
Reg. No. 40,900

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099